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20 11 Specially Appearing for Defendant
 21 12 CHARMING SHOPPES OF DELAWARE, INC.

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14 23 UNITED STATES DISTRICT COURT
 15 24 NORTHERN DISTRICT OF CALIFORNIA

16 25 SHAMEIKA MOODY, as an individual
 17 26 and on behalf of others similarly situated,

18 27 Plaintiff,

19 28 vs.

20 29 CHARMING SHOPPES OF
 21 30 DELAWARE, INC., a corporation, and
 22 31 DOES 1 through 20, inclusive,

23 32 Defendant.

33 34 Case No. C 07-06073 BZ

35 36 **[PROPOSED] ORDER GRANTING
 37 37 DEFENDANT CHARMING SHOPPES OF
 38 38 DELAWARE, INC.'S MOTION TO
 39 39 DISMISS FOR LACK OF PERSONAL
 40 40 JURISDICTION**

41 42 Date: January 16, 2008
 43 44 Time: 10:00 a.m.

45 46 [Fed. R. Civ. Proc. 12(b)(2)]

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After considering Defendant's Motion to Dismiss, any opposition and reply papers, the pleadings and records on file, and any oral argument,

IT IS ORDERED that Defendant's Motion to Dismiss this action for lack of personal jurisdiction pursuant to Fed. R. Civ. P. 12(b)(2) is hereby granted for the following reasons:

- This Court cannot constitutionally exercise general personal jurisdiction over Defendant. As an out-of-state entity with minimal connections to California, Defendant does not have the “substantial” or “continuous and systematic” contacts with California necessary to establish general personal jurisdiction over it.

- Furthermore, this Court cannot exercise specific personal jurisdiction over Defendant because, again, Defendant has insufficient contacts with California. Defendant does not directly conduct any business in California – let alone “purposefully avail” itself of the privileges of doing business in California. Rather, Defendant only performs limited administrative functions in California. Its limited acts do not constitute the transaction of business for purposes of exercising personal jurisdiction over Defendant.

- Thus, this Court does not have the constitutional or statutory authority to adjudicate this action as to Defendant, and therefore must dismiss this action brought solely against Defendant.

IT IS SO ORDERED:

Dated: _____, 2008

United States Magistrate Judge